

RUBENS WILL IN STOLEN MAIL.

DOCUMENT WAS SENT TO PARIS FOR AUTHENTICATION.

State Valued at \$1,250,000 Involved in a Peculiar Contest That Has Sprung Up—Lawyers Here Unprepared to Say Mail Was Robbed to Obtain Will.

One of the registered documents stolen from the registered mail pouch sent to Paris on the French liner La Savoie, which left this port on January 17, was the will of the late Charles Rubens or Voog, who died in Paris early last summer at the age of 80.

The law firm of Coudert Bros. forwarded the will to be authenticated in France. The value of the estate is estimated to be \$1,250,000.

After the death of Rubens, which was registered at the American Consulate in Paris, the French authorities by request of the American Consul took possession of Rubens's luxurious home in the Avenue de l'Alma and sealed his papers and valuables. This step was taken because in going through Rubens's papers it was discovered that his real name was Charles Voog and that he was born in Mulhausen, Alsace, and that province was under French domination.

Voog got into difficulties in Alsace in 1868 and came to America, where he changed his name to Rubens and took out naturalization papers. After amassing a fortune in the banking business he returned to France and settled in Paris, where his lavish hospitality won him a host of friends and gave him the entrée to exclusive circles.

After bequeathing a large sum to his niece, Rubens's will, which was executed in Paris and filed at the American Consulate, provided legacies to many curious charities. The will was forwarded to this city for probate by the American Consul-General because practically all of the estate was situated here and he was a citizen of New York. No sooner, however, did it become known that the rich merchant, who always referred to himself as an American, had been born in France than the question was raised of the validity of the will. Under the French law it was declared a French subject who became naturalized in another country under an assumed name still remained a Frenchman and his will was void.

Forty or more claimants for the estate bubbled up at once from all parts of France, in case the French courts should decide that the will was invalidated by Rubens's change of name. The will was presented and registered for probate in the Surrogate's Court in this city by Coudert Bros. about four months ago. As the document had been executed in Paris the lawyers took the usual steps to prove its authenticity to the satisfaction of the Court and secured a commission empowering the Consul-General in Paris to take the testimony of the witnesses to the will, the will of the deceased was due to a premeditated plan to get the will and destroy it. Until further information is received from their Paris correspondents the members of the Coudert firm are disposed to regard the loss as an unfortunate occurrence.

If the lost document should not turn up within a reasonable time Coudert Bros. endeavor to prove the existence of the will in other ways. A certified copy of the document is on file in the Surrogate's Court here and a copy is also in the New York office of the firm, as are also the names and addresses of the witnesses. The lawyers will apply to the Surrogate for another copy of the commission to the American Consul-General in Paris, empowering him to take the depositions of the witnesses to the will.

This is the first time in the history of the Surrogate's Court, according to members of Coudert Bros., that a will which has been filed and later withdrawn for authentication with the permission of the Court has been lost. There are no precedents on record to guide the Court in any action that may be taken in regard to the missing document and the officials are in a quandary as to what further steps must be taken in the matter in case Paris police fail to recover the stolen will.

Besides Goldman, Sachs & Co. and Lazard Freres it was learned yesterday that Ladenburg, Thalmann & Co. and Redmond & Co. are among the other Wall Street firms who lost securities and other valuable papers in the theft of La Savoie's registered mail pouch.

Postmaster Wilcox said yesterday that he had not a word from the French authorities in regard to the robbery since the "bulletin of irregularities" was received early in February. He immediately notified the Department at Washington and turned the bulletin over to Chief Post Office Inspector Vickery, who is supposed to be working with the French authorities.

No official word of any arrest in connection with the robbery has been received by the postal authorities, and none is expected. "We don't inform Paris or London of arrests made here in such cases," said Chief Inspector Mayer. "The fact that the Paris officials have sent us no word aside from the regular bulletin of irregularities makes it certain to my mind that the story that the thief had confederates in this country and that the bag was watched the length of its journey is a dream. If it were true that the prisoner had confessed that the robbery was the work of a band of international crooks the Paris officials would long since have sent us a request to do a little investigating over here."

A personal opinion is that the mail was robbed in the Paris post office after the bags had been opened and that the thief was some one employed in the Paris post office. If the man who was arrested in connection with the theft is a broker's clerk it will probably be found that he was only the outside man in the game, to whom the securities were given for disposal.

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GEN. WOOD'S CHARGES FAIL.

CAPT. KOEHLER'S ACQUITTAL DISPLEASANT TO THE PRESIDENT.

Court-martial in Second Trial of Army Officer Declares Him Not Guilty of Unbecoming Conduct in Resuming His Commanding Officer's Reprimand.

WASHINGTON, March 22.—An announcement was made at the War Department to-night that the court-martial which tried Capt. Lewis M. Koehler, Fourth Cavalry, for conduct prejudicial to good order and discipline in making statements derogatory to Major-General Leonard Wood, his superior officer, had rendered a verdict of acquittal. At the same time a statement was made public at the White House to the effect that the President had disapproved the findings of the court. Gen. Wood commands the Military Division of the Philippines. Capt. Koehler is attached to that division.

The case has been pending in the army for nearly a year. Secretary Taft in his letter to the President reviewing the case points out that the President cannot approve the finding without necessarily affirming Capt. Koehler's statements concerning Gen. Wood. Furthermore, Secretary Taft says that to approve the finding it would be incumbent upon the President to order a court-martial of Gen. Wood.

The President as the reviewing authority cannot change a verdict of acquittal into one of conviction. All that he can do is to disapprove the finding, which he does. The court-martial is criticised by Secretary Taft.

In his letter to the President Secretary Taft reviews the case at length, and says in part:

"To the President: Capt. Koehler was an officer in command of two companies of cavalry at Jolo in the Philippines. Major Scott was the commanding officer of the military post at Jolo and was also the civil Governor of Jolo, under the civil establishment. Capt. Koehler made himself very annoying to Major Scott by capricious insubordination. Major Scott, in the exercise of his duties as military post commander with the same degree of promptness that he would have done had he not been the civil Governor of Jolo, charged Capt. Koehler with charges against Major Scott.

An inspecting officer sent to investigate then reported there was no foundation for the charges. Major Scott was ordered against Capt. Koehler. Gen. Wood ordered a court-martial of Capt. Koehler. The court-martial resulted in finding Capt. Koehler guilty. The court sentenced him to be reprimanded in orders by the reviewing authority. Gen. Wood in reprimanding Capt. Koehler said that he had been guilty of conduct which indicated that he was seriously wanting in those clean cut and well defined concepts of a soldier's duty which should be found in every officer of the army; that his conception of the standards of the conduct and uprightness as they exist in the army were distorted to a degree not found in the just and fair minded.

Then Capt. Koehler took an appeal, though the law does not specifically provide for such a remedy, to the Secretary of War. In this appeal he said:

1.—That he was practically denied counsel.  
2.—That the department commander was the accused or prosecutor, and that the courts erred in overlooking the plea based upon that fact.  
3.—That the reprimand imposed in pursuance of the sentence was harsh and excessive.  
4.—That an application for a court of inquiry was denied.

In the language of his appeal he characterized the acts of the department commander as unfair, unjust and illegal.

The appeal was forwarded by the division commander, Gen. Wood, to the reviewing authority with a letter inviting attention to the language used in it and submitting the question of disciplinary proceedings for such charges to the Department. This Department directed the division commander to file charges against Capt. Koehler and to bring him to trial before a court-martial appointed by the President.

The second court-martial has acquitted Capt. Koehler, and the finding of the acquittal for action either in approval or disapproval, have no hesitation in saying that a full consideration of the matter that the finding of the first court-martial that Capt. Koehler was guilty of filing capricious and unnecessary charges against his commanding officer, was fully sustained.

He might have had counsel had he been willing to take any but two persons who were otherwise engaged on public business. The charge that the department commander was the accused or prosecutor in the first trial was unfounded and based solely on the ground that he directed a court-martial on the charges of Major Scott after an inspector had reported that the charges of Capt. Koehler against Major Scott were unfounded. Considering the evidence of the first court-martial, I think the language of the reprimand was sufficiently within the finding on the evidence.

You, as the reviewing authority, are put in the position, that if you approve the finding you necessarily affirm or approve the statement derogatory to Gen. Wood contained in the appeal, and if you do so approve these statements, then it would become your duty as commander-in-chief to order Gen. Wood before a court-martial for perverting his power, as department commander, to accomplish an unjust and unfair purpose against his subordinate officer. You cannot in justice to Gen. Wood find any evidence in the record to sustain the bringing of such proceedings or the finding of a court against him.

A reviewing authority may mitigate a sentence, but it cannot change a finding of acquittal into one of conviction. It is, however, in any case disapprove the entire proceeding and refuse to confirm a finding of acquittal. The effect of this is to set aside the proceedings as if they had not been commenced. By this course you, as the reviewing authority, are not involved in the logical consequences with respect to Gen. Wood which must follow an approval of the sentence as already explained, and Capt. Koehler is simply restored to duty. This is the view of the judge advocate general, in whose recommendations I fully concur. Very respectfully,

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MERRY'S ROW WITH ZELAYA.

U. S. Minister Transferred Legation to a Ship and Prepared to Defend It.

NEW ORLEANS, March 22.—When an account was published some days ago of a sensational quarrel between United States Minister Merry and President Zelaya of Nicaragua, the *Picayune* forwarded copies of the publications containing it to its representative at San José, and the next letter from him, dated San José, Costa Rica, March 16, 1907, in which he says:

"Minister Merry had been praising the claim of Sam Weil of New Orleans very energetically and from information he received he came to the conclusion that some one was tampering with his cables. He sent, on one occasion, a message in code and some little time after was uncertain as to the wording of this message and sent his clerk to the cable office with a request to have the cable returned to him. The cable clerk claimed he could not find the message and this matter was so reported to Minister Merry, who then went in person to the office and demanded the copy.

It is understood from the very best authority that the clerk of the cable office went to the palace of President Zelaya and secured the message. It has also been stated upon equally as good information that one of the words in the message had been changed.

This led to a stormy interview between President Zelaya and Minister Merry and resulted in Minister Merry closing his legation. Shortly after Minister Merry left for Corinto to catch a vessel bound for Puerto Remon, Costa Rica. About the same time the steamship Baracouta, from Panama, was due at Corinto and arrived before the City of Para reached Corinto.

"The Minister of War then told the captain of the Baracouta that he would search the hold and left the ship apparently to secure an armory for Merry. During his absence Minister Merry instructed the captain to arm his crew and officers and attach the hose to the fire pipes and be ready to defend his ship by means of hot water.

"Then he notified his secretary to have his baggage brought from the hotel and taken on board the Baracouta. He hoisted the Legation flag to the mainmast of the ship and then went to the American Legation and American territory.

"There was no attempt made to search the cargo of the Baracouta. The captain did not know what the boxes taken on board at Panama contained and so notified the Nicaraguan representative.

"Since Minister Merry's arrival in Costa Rica, Nicaragua has cut off all cable communication between points south of Nicaragua and the United States, excepting such messages as they see fit to allow to pass through."

MR. CLEVELAND HOME AGAIN.

Slips into Princeton by Carriage—Loving Cup to Be Presented to Him.

PRINCETON, N. J., March 22.—Grover Cleveland came back to Princeton this afternoon from his hunting trip in the South. An express train was stopped at Princeton Junction by the courtesy of a Pennsylvania Railroad conductor and there he was met by a carriage. He looked exceedingly well, however, and remarked that he had had a fine time.

He had a reason for returning to Princeton by carriage and not by train on the Princeton Junction road. For many days the undergraduates of Princeton University have been waiting for a chance to give him a reception. Everybody felt sure that somebody would know when the train bringing him would arrive, but in this, it turns out, they were mistaken. To-night the students are a little chagrined. Scarcely a soul knew when or by what way he came.

From the way things look, however, Mr. Cleveland will have to talk pretty soon. A loving cup, tribute from the undergraduates, will be presented to him next Monday. The cup was made in Philadelphia. It stands 18 inches high on an ebony base and is of solid silver. There is a brief inscription on the cup which gives the reason for presenting it.

GOLDEN STATE FLIER WRECKED.

Train Rols Down Thirty Foot Embankment—Not a Passenger Badly Hurt.

INDIANAPOLIS, March 22.—While running sixty miles an hour the Golden State limited train on the Big Four, which left here for St. Louis at 11:05 o'clock this morning, left the track at Avon, fourteen miles west of this city.

Every car but one went down a thirty foot embankment. The accident was due to a defective frog in a new piece of track on a fill where the earth had settled.

The day coaches, engine, baggage car and six Pullmans were piled in a heap in the soft earth at the side of the steep grade. They were badly broken and crushed.

There were sixty passengers on the train, many of them in the buffet, when the accident occurred. Thirteen passengers were injured, but none of them mortally. The engineer was killed under his engine. The majority of the injured were only slightly bruised.

Mrs. William B. Strang of New York was thrown through a Pullman car window. When she was picked up a number of diamonds that she wore were missing. She was not seriously hurt.

PRINCETON DEBATORS WIN.

Her Orators Triumph Over Those of Both Yale and Harvard.

PRINCETON, N. J., March 22.—Princeton had two debating teams in the field to-night, one against Yale at New Haven and the other with Harvard here. She won the debate here by a unanimous decision of the judges. The question was: "Resolved that the present distribution of power between the Federal and State governments is not adapted to modern conditions and calls for readjustment in the direction of further centralization." Princeton took the negative.

NEW HAVEN, Conn., March 22.—Yale was defeated to-night in debate with Princeton on the question of the distribution of power between the Federal and State governments. Yale argued in the affirmative.

MAGISTRATE MAKES RAID.

WHITMAN ASTONISHES POLICE OF TWENTY-SECOND PRECINCT.

Buys a Drink of Whiskey at a Saloon and Then Goes to the Station, Takes Command, Leads Out One Squad, Makes Arrests and Holds Prisoners for Trial.

Charles S. Whitman, president of the Board of City Magistrates, had dinner with friends last night and was twitted about the ease with which almost any one could get a drink after the saloons were supposed to be closed. The Magistrate said he intended to find out, and jumping into an automobile, he rode to Forty-ninth street and Sixth avenue and walked into a saloon.

He saw that liquor was being sold and went out. He then visited a saloon at Forty-seventh street and Eighth avenue, a block away from the Forty-seventh street station house.

He asked the bartender, John McGarry, for a drink of whiskey, and was served. This was at 1:35 o'clock.

"Aren't you afraid to sell after hours?" the Judge asked.

"Oh, no, we've got the police fixed," he says the bartender replied.

The Judge then hurried to the station house, where he asked for Capt. Daly, Serg. Boland, who was on the desk, said that the captain was not there.

"I'm Judge Whitman," he said. "I'm going to take this desk. Here's my badge. I want the reserves turned out."

Serg. Boland gave way to the Magistrate, whereupon Judge Whitman sent a squad of detectives to the Forty-ninth street saloon and led others to the Forty-seventh street place himself. Both bartenders were arrested. When both parties had returned to the station house, Judge Whitman said:

"I'll hold court right here. Call the first prisoner."

McGarry was arraigned, and the Magistrate said he was accused of violating the excise law.

"I didn't," replied McGarry.

"Didn't you sell me a glass of whiskey?" "No," replied the bartender.

"You lied," retorted the Court. "You're held in \$500 bail for trial."

The other bartender, James Quinlan, who also said he was not guilty, was held in the same amount for trial.

The Magistrate waited at the station house until 2 o'clock, when the late platoon was turned out.

Before the sergeant dismissed them Judge Whitman read them the excise law, and said:

"I've visited sixteen saloons after hours to-night and found them all violating the law. I want those places closed, whether they are paying money for protection or not."

NO CONFERENCE OF GOVERNORS.

President Says There Will Be No White House Powwow on Railroad Legislation.

ST. PAUL, March 22.—Gov. Johnson today received a letter from President Roosevelt in reply to the Governor's proposal for a conference of Governors and railroad commissioners to consider railroad questions.

"President Roosevelt says there will be no conference of the Governors of the States," said Gov. Johnson.

GIFT TO DEPUTY CHIEF BINNS.

Silver Service Presented to Commemorate His Twenty-five Years of Fire Service.

Friends of Deputy Fire Chief Binns of the Manhattan division united in observing last night the twenty-fifth anniversary of his appointment to the Fire Department. They gathered at the house of Engine Company 23 in West Fifty-eighth street.

A silver service of five pieces with a tray was presented to Chief Binns as a gift from friends in and out of the department.

Assistant Corporation Counsel Michael F. Conry made the presentation speech, after which a collation was served. Deputy Chief Binns received his appointment to the Fire Department March 20, 1882, and served with Hook and Ladder Company 10 until May 29, 1881, when he was appointed assistant foreman. On August 16 of the same year he was appointed foreman.

He served in that capacity and as acting chief of battalion until December 1, 1897, when he was made made chief of battalion. On August 14, 1903, he was promoted to deputy chief and has since served as acting chief when Chief Croker has been absent.

Chief Binns got the Bennett medal in 1885 for the most meritorious act in the Fire Department for the year 1884, and his name appears on the roll of merit for meritorious conduct attended by personal risk.

Among the guests at the presentation ceremony were Fire Commissioner Lantry, Joseph Reilly, William Bruce Brown, M. Loughman, secretary of the Park Board; Dr. H. M. Archer and Dr. J. W. Markoe.

TAFT OFF ON TRIP TO-DAY.

Secretary of War and His Party to Start for Isthmian Zone.

WASHINGTON, March 22.—Secretary Taft will leave Washington to-morrow evening for Charleston, where he will board the Mayflower for his trip to Panama. In the Taft party will be Senator Kittredge of South Dakota, Representative T. E. Burton of Ohio, Representative De Armand of Missouri, Richard R. Rogers, general counsel for the Isthmian Canal Commission; Frederick P. Stearns of Boston, Alfred Noble of New York, John Ripley Freeman of Providence and Mr. Taft's confidential clerk, W. W. Mischler.

Mr. Stearns, Mr. Noble and Mr. Freeman are civil engineers who furnished Secretary Taft with expert opinion as to the feasibility of the Gatun Dam site. The party is due to arrive at Colon on March 30 and will remain on the Isthmus until April 5, when the Secretary will sail for Havana, arriving there on April 7.

He will spend three days there and then go to Porto Rico, reaching there on April 14. He will remain in Porto Rico for four days and expects to reach Hampton Roads on April 22. The trip will be of nearly 6,000 miles.

England Rejects Metric System.

Special Cable Dispatch to THE SUN.

LONDON, March 22.—The House of Commons rejected to-day, on second reading, the bill for the adoption of the metric system of weights and measures in the United Kingdom, by a vote of 159 to 119. Only a week ago the advocates of the measure boasted that they had 400 members of Parliament pledged to it and that it would pass by a large majority.

BYRCE IS CHOATE'S GUEST.

The Ambassador Stops Off for a Few Days on His Way to Canada.

James Bryce, British Ambassador, who is on his way from Washington to Ottawa, where he will be the guest of Earl Grey, the Governor-General of the Dominion, is stopping for a few days with Joseph H. Choate, the Governor-General of the Dominion, in the apartment at the Union League Club, and to-night the Ambassador is to be the guest of honor at the annual dinner of the Pilgrims.

Mr. Bryce, who is accompanied by Mrs. Bryce, spent yesterday quietly and the cards of newspaper men were not taken to him. Monday evening Mr. Bryce will attend the banquet at the Union League Club and on Tuesday at noon there will be a reception for him at the Chamber of Commerce. In the afternoon he and Mrs. Bryce will leave for Canada.

NEW CLUES TO MARVIN BOY.

Findings of a Child Reported to President Roosevelt From Portsmouth, England.

DOVER, Del., March 22.—Two more boys have been found who answer the description of the stolen Marvin boy. A cablegram was received by President Roosevelt from Portsmouth, England, saying that such a boy has been found there.

The President sent word to Gov. Lea, who in turn notified the detectives. The latter refused to say anything about the case except that an investigation was under way.

The second boy found was reported from Toronto, Canada, but the chief of detectives said he was positive it was a case of mistaken identity. A later message from Toronto says it is not the Marvin boy.

Mr. Marvin to-night sent a telegram to President Roosevelt asking that post office inspectors try to run down the persons who send him threatening letters, and that postmasters be instructed to post pictures of the boy and notices of reward in their offices.

EDWARD BODINE KILLED.

Stepped in Front of a Train at Whitestone—Had Nervous Trouble.

Edward Bodine of West Brighton, Richmond borough, was struck by a train and instantly killed at the Whitestone station of the Long Island Railroad yesterday afternoon. Mr. Bodine was 33 years of age. He was formerly in the lumber business at Staten Island and was wealthy. For eight or nine years he had been a voluntary patient at Dr. Harrison's sanitarium at Whitestone. He suffered from a nervous trouble, but was able to go about and was strong and vigorous.

He was under no restraint and became well known in Whitestone, College Point and Flushing. Yesterday afternoon he had occasion to go to the depot and when he started to cross the track he stepped in front of a train he had not seen approaching. Engineer Frederick Loder could not stop in time to save Bodine's life. Loder was detained for a time by the police and then paroled. Mr. Bodine leaves a daughter and two sons.

THREW HIMSELF BEFORE CAR.

Bicycle Cop Whitman Saves a Maniac Painter From Suicide.

Bicycle Policeman "Ajax" Whitman was speeding through 125th street last night when he saw a man dive in front of an eastbound Third avenue car near Madison avenue. Whitman put on the brakes, hopped off his wheel and grabbed the man just as the car reached him.

The man said he was Edward Skennion, a painter of Westchester, and that he wanted to die. While he was being taken to a cell he began to act like a maniac. A half dozen policemen had all they could do to hold him until a Harlem ambulance arrived. He was put in a straitjacket and taken to the Bellevue psychopathic ward.

BANDMASTER BAYNE SLUGGED.

At His Front Door When Robber Struck Him and Grabbed at His Waist.

William Bayne, bandmaster of the Sixty-ninth Regiment, was unlocking the front door of his home at 53 Third avenue late last night when he received a powerful blow on the back of his head. When he turned his assailant grabbed at his watch, tore part of the chain away and then ran down Third avenue.

Prof. Bayne yelled for help. Policeman O'Brien hurried up and chased a man he saw running not far away. The cop caught the man and took him to the Fifth street station house. He said he was Lawrence Roach of 229 East Eleventh street. Prof. Bayne said he thought the prisoner was the man who tried to rob him.

\$300 FOR A GOOD YALE SONG.

President Hadley Announces Increase of the Heald Prize.

NEW HAVEN, March 22.—President Hadley, to arouse greater interest among Yale men to write a Yale song that will be worth singing, has just announced that the Heald prize of \$50 for the best Yale song has been increased to \$300 by contributions of Yale graduates.

President Hadley to-day said: "The best college song in the country is 'Old Nassau.' The words by themselves are admirable and the tune can hardly be said to rise above mediocrity, but the fit is something absolutely extraordinary."

"The two things which to-day come nearest to being Yale songs, 'Amici' and 'March, March On Down the Field,' have this element of fit."

BLUECHER MISSES A SHOCK.

Damaged Walls Shaken Down in Kingston—People Panicked.

Special Cable Dispatch to THE SUN.

KINGSTON, Jamaica, March 22.—A violent shock of earthquake occurred here at 8:40 o'clock this evening. The people were panicked.

A number of walls damaged in the previous quakes were thrown down. So far no known life was hurt.

The tourists on the Blucher just missed the experience, she having sailed shortly before the shock was felt.

NEW YORK HERALD'S EASTER NUMBER.